

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

1) TIM BLEYTHING; and  
2) JAMIE BLEYTHING,

Plaintiffs,

v.

3) NORTH AMERICAN VAN LINE, INC.  
4) A-1 FREEMAN MOVING &  
STORAGE, LLC.,

Defendants.

Case No. CIV-23-764-PRW

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§1331, 1332, 1337, 1441, 1445 and 1446, Defendants North American Van Line, Inc. (“NAVL”) and A-1 Freeman Moving & Storage LLC (“A-1”) hereby gives timely notice of the removal of this cause of action from the District Court of Oklahoma County, Oklahoma to this Court. Defendants state as grounds for removal that:

1. On May 15, 2023, Plaintiffs Tim and Jamie Bleything (“Plaintiffs”) filed a Petition in the District Court of Oklahoma County, State of Oklahoma, against Defendants NAVL and A-1. The case was assigned Case No. CJ-2023-2780. A true and correct copy of this filing is attached as **Exhibit 1**.

2. The civil summons and the Petition (the “State Court Action”) were served on NAVL and A-1 on August 10, 2023.

3. Neither NAVL nor A-1 has filed an Answer to the Petition. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)(2) and (3) because it is filed

within thirty (30) days of NAVL's and A-1's receipt of the Petition.

4. All Defendants consent to this removal as required by 28 U.S.C. § 1446. The signature of undersigned, as their duly hired and authorized legal counsel, and the filing of this document, is proof of their written and executed consents.

5. A true and correct copy of the docket sheet and all documents filed or served in the State Court Action, current through the date of this filing, are attached hereto as **Exhibit 2**. No motions are currently pending in the State Court Action.

6. The Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337 in that Plaintiffs have brought claims over which this Court would have original jurisdiction.

7. Specifically, Plaintiffs' Petition is based upon allegations of loss and damage arising out of the interstate transportation services performed by the Defendants, in or around September of 2021, that are subject to the jurisdiction of the Motor Carrier Act and the Department of Transportation's Surface Transportation Board. By way of the Interstate Commerce Commission Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, the regulation of interstate carriers such as the Defendants was transferred from the Interstate Commerce Commission ("ICC") to the Surface Transportation Board. Accordingly, this Action and the Defendants' liability is governed by 49 U.S.C. § 14706, commonly referred to as the Carmack Amendment to the Interstate Commerce Act. *See Petition*, ¶¶ 8-21.

8. Plaintiffs allege that approximately eighteen items of personal property had been broken or destroyed while in the possession of Defendants. *Id.* at ¶ 13. Plaintiffs

further allege that Defendants failed to deliver numerous bottles of rare liquor, valued at over \$1,300.00. *Id.* at ¶ 14.

9. Plaintiffs allege damages in excess of \$75,000 for their claims of negligence and conversion. *Id.* at ¶¶ 18 and 21 respectively. Because the matter in controversy exceeds \$10,000, this matter is not subject to the prohibition against removal found in 28 U.S.C. § 1445(b) and 28 U.S.C. § 1337(a).

10. To the extent that the Court may find that any of Plaintiffs' claims are not subject to federal question jurisdiction under 28 U.S.C. § 1331, the Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

11. The Court has federal question and supplemental jurisdiction over this action and removal is therefore proper pursuant to 28 U.S.C. § 1441.

12. In the alternative, removal is also proper under 28 USC §1332 because there is complete diversity of the parties. Plaintiffs are citizens of Florida (Pet. ¶ 1), Defendant NAVL is a corporation organized in and with its principal place of business outside Oklahoma (Pet. ¶ 2), and A-1 is a limited liability company based in Oklahoma. Pet. ¶ 4. Its members are Oklahoma and Texas citizens. *See Disclosure Statement Identifying Constituents of LLC*, contemporaneously filed herein. Further, the amount in controversy is over \$75,000. Pet. ¶¶ 18 and 21.

13. Written notice of the filing of this Notice of Removal shall be promptly served on all parties herein and a copy of this Notice shall promptly be filed with the Clerk of the District Court of Oklahoma County Oklahoma pursuant to 28 U.S.C. § 1446(d).

14. This Notice of Removal is filed in compliance with Fed. R. Civ. P. 11.

15. Defendants reserve all defenses, including but not limited to, those under Rule 12(b) of the Federal rules of Civil Procedure and do not waive said defenses by the filing of this Notice.

WHEREFORE, Defendants North American Van Line, Inc. and A-1 Freeman Moving & Storage, LLC pray that the above action now pending against them in the District Court of Oklahoma County Oklahoma, Case No. No. CJ-2023-2780, hereby be removed from the above-referenced State Court to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

*s/ Stuart D. Campbell*

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*Attorneys for Defendants North American Van  
Line, Inc. and A-1 Freeman Moving & Storage,  
LLC.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on August 30, 2023, a true and correct copy of the foregoing document was served upon the following via the Court's electronic notification system, electronic mail, and/or U.S. Mail, postage prepaid:

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*s/ Stuart D. Campbell*  
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*Attorneys for Defendants North American Van  
Line, Inc. and A-1 Freeman Moving & Storage,  
LLC*